

UNITED STATES OF AMERICA)	
)	Case No. 1:10-CR-9
v.)	
)	
EARNEST MONTGOMERY)	COLLIER/CARTER

A waiver of competency hearing signed by defendant and submitted by Atty. Anthony Martinez was filed on September 23, 2010. It is therefore ORDERED that the waiver be filed as a part of the record. The Court RECOMMENDS on the basis of the waiver and the report that defendant Earnest Montgomery be found competent to stand trial.¹

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 59(b)(2) of the Federal Rules of Criminal Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).